



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 21 1994

REPLY TO THE ATTENTION OF:

HRE-8J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. J. Michael Jarvis  
Franklin Power Products, Inc.  
400 Forsythe Street  
P.O. Box 667  
Franklin, Indiana 46131

Re: Administrative Order on Consent  
Franklin Power Products,  
Inc./Amphenol  
IND 044 587 848

Dear Mr. Jarvis:

This letter is in response to the December 14, 1993, letter your contractor, WW Engineering & Science, submitted on the Respondents' behalf to the United States Environmental Protection Agency (U.S. EPA). The Respondents' letter suggests an alternative to U.S. EPA's directive contained in our November 14, 1993 letter addressed to you which advised Respondents to collect additional ground-water samples from three designated areas along the south bank of Hurricane Creek.

Upon evaluation of Respondents' discussion of potential aquifer contamination at Hurricane Creek, U.S. EPA concludes that this discussion does not rule out the possible occurrence of ground-water contamination at Hurricane Creek. Therefore, U.S. EPA disapproves the response presented in Respondents' letter of December 14, 1993 and again, pursuant to the terms of Section VII 2.a.(4)(c)(iii) of the Administrative Order On Consent (AOC), dated November 27, 1990, directs Respondents to perform the additional sampling as U.S. EPA directed in its November 15, 1993 letter.

Your letter of December 14, 1993, stated that representative samples could only be collected at the stream bed. U.S. EPA believes that it would be very difficult to obtain representative ground-water samples during flow conditions and it is likely that such conditions will occur for several months. Further, if samples are collected at the stream bed or at the north bank of the creek and contaminants are detected, then additional sampling would be required to determine how far the contamination extends south of the creek, a location which includes a residential area. For these reasons, U.S. EPA believes that conditions warrant the collection of ground-water analytical data at the locations directed in its November 15, 1993 letter.

Pursuant to the terms of Section VII 2.a.(4)(c)(iii) of the AOC, the "...Respondents shall, within thirty (30) days of ... notification by EPA [of need for additional sampling], submit to EPA a plan proposing the installation of additional wells and additional sampling...." U.S. EPA has previously approved the sampling methodologies contained in the Respondents' RFI Work Plan, as Supplemented (Work Plan). In its November 15, 1993 letter, U.S. EPA approved the use of optional sampling methodologies for the additional sampling. U.S. EPA reaffirms this position. Upon the Respondents' assurance that one of these methodologies will be employed in the additional sampling, the Respondents will have thirty (30) days to implement the Work Plan for the additional sampling. To avoid any additional delays in finalizing the RFI Report, the Respondents are directed to communicate to U.S. EPA within ten (10) days of receipt of this letter to adopt the Work Plan for the additional sampling.

U.S. EPA is aware that at least part of the expanded sampling area is located on property not owned by the Respondents. Pursuant to Section XII 2. of the AOC, the Respondents were required to obtain access agreements from such owners within thirty (30) days of the effective date of the AOC. In the event such agreements were not obtained, Respondents were required to notify U.S. EPA of both the lack of and its failure to obtain such agreements within ten (10) days thereafter. U.S. EPA has not received such a notice from the Respondents and interprets this lack of notice from the Respondents to mean that the Respondents have obtained agreements from the concerned property owners. If this is not the case, Respondents are directed to notify U.S. EPA within ten (10) days of receipt of this letter of what efforts the Respondents have made or will make to obtain such agreements from the owners of the property from which the additional sampling is required.

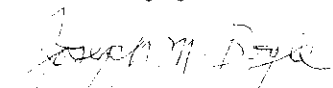
In the November 15, 1993, letter, U.S. EPA had requested that the Respondents submit the revised RFI report within seventy-five (75) days of that letter. Under the existing circumstances, it is unlikely the Respondents will comply with this request. Pursuant to Section VII 2.b. of the AOC, the Respondents are required to submit the additional information obtained during the above sampling in a revised RFI report within seventy-five (75) days of approval of the supplemental work plan. As discussed above, U.S. EPA asserts that the Work Plan, previously approved, is acceptable for the additional sampling. Allowing the Respondents the ten-day period to submit its assurance to employ the Work Plan for the additional sampling, the Respondents will have no more than eighty-five (85) days from receipt of this letter to submit the revised RFI report.

In our September 2, 1993 letter, U.S. EPA notified the Respondents that the RFI report should include an ecological risk assessment. Although U.S. EPA stated that this assessment could be deferred to the corrective measures study phase, U.S. EPA is concerned that the delays in finalizing the RFI report will lead to unnecessary delays in completing the ecological risk assessment. Also, U.S. EPA is concerned that an unnecessary delay in the ecological risk assessment will postpone the selection of corrective actions. For these reasons, U.S. EPA suggested in its November 15, 1993 letter, that the Respondents complete the ecological risk assessment within seventy-five (75) days of receipt of that letter. The Respondents have failed to respond to

this request. If such a time-frame is unacceptable to the Respondents please notify U.S. EPA within ten (10) days of receipt of this letter, why this time-frame is unacceptable and include an alternative proposed schedule. Once a schedule for the ecological risk assessment is approved by U.S. EPA, it will be incorporated into the AOC.

If you have any technical questions on this matter, please call Mr. William Buller at (321) 886-4568. Any legal questions should be directed to Mr. Joseph A. Cooley, Assistant Regional Counsel, at (312) 886-5313.

Sincerely yours,



Joseph M. Boyle, Chief  
RCRA Enforcement Branch

cc: James Keith, WW Engineering & Science  
Samuel Waldo, Amphenol  
Michael Sickels, IDEM